

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 MARGARET W. LAMBROSE
5 Assistant Federal Public Defender
6 Nevada State Bar No. 11626
7 411 E. Bonneville, Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577/Phone
10 (702) 388-6261/Fax
11 Maggie_Lambrose@fd.org

12 Attorney for Emile Edward Bouari

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 EMILE EDWARD BOUARI, et al.,

15 Defendant.

16 Case No. 2:16-cr-00032-JCM-GWF

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**
(Ninth Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Robert Knief, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Margaret W. Lambrose, Assistant Federal Public Defender, counsel for Emile Edward Bouari,
21 and Bret O. Whipple, Counsel for Mary Diane Green, and Thomas Ericsson, counsel for
22 Kimberly Ann Milko that the calendar call currently scheduled for May 1, 2019, and the trial
23 scheduled for May 6, 2019, be vacated and set to a date and time convenient to this Court, but
24 no sooner than ninety (90) days.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
26 and including July 1, 2019, to file any and all pretrial motions and notices of defense.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including July 15, 2019, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
4 shall have to and including July 22, 2019, to file any and all replies to dispositive motions.

5 The Stipulation is entered into for the following reasons:

6 1. Counsel for the defendants need additional time to conduct investigation in this
7 case in order to determine whether there are any pretrial issues that must be litigated and
8 whether the case will ultimately go to trial or will be resolved through negotiations.

9 2. The defendants are not incarcerated and do not object to the continuance.

10 3. The parties agree to the continuance.

11 4. The additional time requested herein is not sought for purposes of delay, but
12 merely to allow counsel for defendant sufficient time within which to be able to effectively and
13 complete investigation of the discovery materials provided.

14 ///

15 ///

1 5. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
5 Section 3161(h)(7)(B)(i), (iv).

6 This is the ninth stipulation to continue filed herein.

7 DATED this 23rd day of April, 2019.

8 RENE L. VALLADARES
9 Federal Public Defender

10 */s/ Margaret W. Lambrose*
By _____

11 MARGARET W. LAMBROSE
12 Assistant Federal Public Defender
 Counsel for Emile Bouari

13 */s/ Bret O. Whipple*
By _____

14 BRET O. WHIPPLE
15 Counsel for Mary Diane Green

16 NICHOLAS A. TRUTANICH
17 United States Attorney

18 */s/ Robert Knief*
By _____

19 ROBERT KNIEF
20 Assistant United States Attorney
 Counsel for United States

21 */s/ Thomas A. Ericsson*
By _____

22 THOMAS A. ERICSSON
23 Counsel for Kimberly Milko

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
EMILE EDWARD BOUARI, et al.,
Defendant.

Case No. 2:16-cr-00032-JCM-GWF

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendants need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendants are not incarcerated and do not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including July 1, 2019 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including July 15, 2019 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including July 22, 2019 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the ____ day of _____, 2019, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for May 1, 2019, at the hour of 1:30 p.m., be vacated and continued to _____ at the hour of ____:_____.m.; and the trial currently scheduled for May 6, 2019, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ____:_____.m.

DATED this ____ day of April, 2019.

UNITED STATES DISTRICT JUDGE